

EXHIBIT E

On 09 /14/ 19 at 19:04:09, Lawrence Lessig (lessig@this.is) wrote:

Nellie,

Thanks for the essay and the effort to explain. I enjoyed talking through the issue — it helped me see more.

You know that I wish you had more power over your editors, however. That opening — which was different from what we discussed, and even that we discussed changing — is just plainly not true. It says that I am “defend[ing] soliciting donations from the convicted sex offender Jeffrey Epstein.” But as we explicitly discussed, the whole point of my mea culpa was to say that — even if you take Type 3 money anonymously — you can’t “defend soliciting donations from the convicted sex offender Jeffrey Epstein.” So whatever else I was doing or not doing in the piece, I was certainly not “defend[ing] soliciting donations from the convicted sex offender Jeffrey Epstein.” As I said, explicitly, it was a mistake to take the money from Epstein.

At the end of our conversation, we discussed that I was defending Ito. That’s true. But I was defending him against the scapegoating. Not defending him for “soliciting donations from the convicted sex offender Jeffrey Epstein.”

But again, it’s clear (because so much else disappeared as well) that the heavy hand of editors was involved. I’m sorry that happened here, for I’m not eager to engage yet another round of outrage at the outrageous idea that I was “defend[ing] soliciting donations from the convicted sex offender Jeffrey Epstein.”

Lawrence Lessig

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On 09 /15/ 19 at 08:29:48, Lawrence Lessig (lessig@this.is) wrote:

It's true, "that's there."

But in the lede of your essay (which we know, is 90% of what an audience understands), you have been rendered as saying that I am "defend[ing] soliciting donations from the convicted sex offender Jeffrey Epstein." No doubt, someone reading carefully and fully would wonder how I could be "defend[ing] soliciting donations" while at the same time criticizing "soliciting donations from the convicted sex offender Jeffrey Epstein." This is different from the point I made about the world I wish we lived in — where none of this was taken. My point is that in this world, I was saying that it was **wrong** to solicit donations from Epstein. And therefore, it is wrong that the lede of your essays says that I was "defend[ing] soliciting donations from the convicted sex offender Jeffrey Epstein."

Back in Boston, successfully ignoring social media, trying to finish a brief and then make waffles.

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On 09 /15/ 19 at 08:20:48, Bowles, Nellie (nellie.bowles@nytimes.com) wrote:

Larry, sorry was going to write back to you today. In the interview you explain your position a ton, unambiguously and clearly. You do not think this donation should be taken at all. That's there!

But the essay was defending someone who took the donations and defending him for taking them. Tho of course with all the complexity in mind. Which is in the piece!

I really enjoyed our conversation and the debate. I think you're bringing up really good points, even as I disagree with some of them. Thank you again for taking the time. I hope Germany is good and you're not too plugged into all this.

On Sun, Sep 15, 2019 at 7:51 AM Lawrence Lessig <lessig@this.is> wrote:

A reply:

<https://medium.com/@lessig/on-the-careful-reading-of-the-new-york-times-editors-8f543418c1df>

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